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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,240	11/13/2000	Risto Aalto	875.0001USU	9698

29683 7590 06/19/2003  
HARRINGTON & SMITH, LLP  
4 RESEARCH DRIVE  
SHELTON, CT 06484-6212

EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/19/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/622,240

Applicant(s)

AALTO ET AL.

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "call control 209", see specification page 7 and lines 13-16.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Wallentin et al (US006230013B1) in view of Nakamura et al (US005878350A) and Rahman (US006078817A).

With respect to claim 1,7-9, Wallentin discloses a cellular system comprising: terminal (see figure 1A and item MS), base station (see figure 1A and item 26), and radio network controllers (see figure 1A and item 22), a radio network controller provides a base station with transmission power controlling information (see figure 1A and item 28), a macro diversity connection is established where a given branch goes between the serving radio network control and the terminal through the drift radio network controller and the drift base station (see column 3 and lines 33-48).

Wallentin et al doesn't disclose a method of controlling the transmission power in a cellular radio system comprising: call control, load control, wherein a radio network controller monitors and balances the use of radio resources in the base stations that operate under it, and transmitting information limiting the transmission power in said macrodiveristy connection

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branch from the drift radio network controller to the serving radio network controller, transmitting information controlling the transmission power of said macro diversity connection branch from the serving radio network controller the drift radio network controller.

Rahman discloses a radio network controller monitors and balances the use of radio resources in the base stations that operate under it (see column 3 and lines 14-60).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching Rahman with Wallentin's method such that base station's limited radio resource would not be overloaded by macro diversity mode.

Nakamura et al discloses a method for controlling transmission powers during a soft handover in a CDMA mobile communication comprising a combining station in which provide the generated transmission power control information that is based on the received power control interval from either base station to one of the base station during soft handover (see column 5 and lines 13-column 6 and lines 15).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Nakamura with Wallentin's method such that base stations' status of power output are combined/exchanged through radio network controllers and the receiving qualities of the respective radio channels become equal to a determined reference quality (see column 5 and lines 13-18).

With respect to claim 2, Wallentin et al further discloses a special data transmission form line is established between two radio network controllers, is used whereupon the transformation into a data transmission form between a radio network controller and a base station takes place in the radio network controller (see figure 2 and column 5 and line 23-column 6 and line 38).

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With respect to claim 3-5, 10, Nakamura et al further discloses in macro diversity connection branch both MS and BS would carry out the transmission power control at a prescribed transmission power interval (see column 5 and line 23-column 6 and line 15).

With respect to claim 6, Wallentin discloses a cellular system comprising: terminal (see figure 1A and item MS), base station (see figure 1A and item 26), and radio network controllers (see figure 1A and item 22), a radio network controller provides a base station with transmission power controlling information (see figure 1A and item 28), a macro diversity connection is established where a given branch goes between the serving radio network control and the terminal through the drift radio network controller and the drift base station (see column 3 and lines 33-48).

Wallentin doesn't disclose:

Means for establishing information, according to outer-loop control, controlling the transmission power and for transmitting it to a base station;

Means for controlling the load by monitoring and balancing the use of radio resources in the base stations which operate under it, characterized in that to control the transmission power in a macro diversity connection, a given branch of which goes between a radio network controller and a terminal through a drift radio network controller and a drift base station, it comprises

Means for establishing information resulting from load control and limiting the transmission power in said macro diversity connection branch and for transmitting it from the drift radio network controller to the serving radio network controller,

Means for establishing information controlling the transmission power in said macro diversity connection branch and for transmitting it from the serving radio network controller to the drift radio network controller, and

Means for establishing information controlling the transmission power of the drift base station on the basis of the information received from the serving radio network controller and for transmitting it to the drift base station.

Rahman discloses a radio network controller monitors and balances the use of radio resources in the base stations that operate under it (see column 3 and lines 14-60).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching Rahman with Wallentin's method such that base station's limited radio resource would not be overloaded by macro diversity mode.

Nakamura et al discloses establishing information, according to outer-loop control, controlling the transmission power and for transmitting it to a base station (see figure 2);

a combining station in which provide the generated transmission power control information that is based on the received power control interval from either base station to one of the base station during soft handover (see column 5 and lines 13-column 6 and lines 15).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Nakamura with Wallentin's method such that base stations' status of power output are combined/exchanged through radio network controllers with the functions of combining station and the receiving qualities of the respective radio channels become equal to a determined reference quality (see column 5 and lines 13-18).

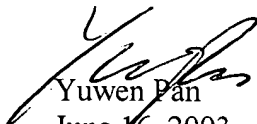
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
Yuwen Pan  
June 16, 2003

  
Lee Nguyen  
Primary Examiner